

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ZACHARY WILSON : CIVIL ACTION  
: :  
v. : :  
: :  
JEFFREY A. BEARD, ET AL. : NO. 02-374

**O R D E R**

**AND NOW**, this 20th of April, 2012, upon consideration of Petitioner's "Motion to Enforce Writ of Habeas Corpus" (Docket No. 64) and "Motion for Relief Under FRCP 60(b)(6)" (Docket No. 89), all documents filed in connection therewith, and the arguments and hearings held on June 2, 2010, May 31, 2011, June 2, 2011, June 24, 2011, July 14, 2011, and April 11, 2012, and for the reasons stated in the accompanying Memorandum, **IT IS HEREBY ORDERED** that the Motions are **DENIED**. **IT IS FURTHER ORDERED** that there is no basis for the issuance of a certificate of appealability pursuant to 28 U.S.C. § 2253(c).<sup>1</sup>

BY THE COURT:

/s/ John R. Padova

John R. Padova, J.

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<sup>1</sup>A habeas petitioner seeking to appeal the denial of a motion brought pursuant to Federal Rule of Civil Procedure 60(b) must first obtain a certificate of appealability pursuant to 28 U.S.C. § 2253(c). See Morris v. Horn, 187 F.3d 333, 339-41 (3d Cir. 1999) (applying the certificate of appealability requirement to habeas petitioner seeking to appeal the denial of his Rule 60(b) motion).